

REMARKS

Claims 27, 29-42, 44-46, 48-50, 52-54 and 62-64 are pending in the application.

Claims 27, 29-42, 44-46, 48-50, 52-54 and 62-64 have been rejected.

Claims 27, 31, 34, 35, 36, 39, 42, 46, and 50 have been amended.

Rejection of Claims under 35 U.S.C. § 102(e)

Claims 27, 29, 30, 32-42, 44-46, 48-50, 52-54 and 62-64 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0225972 listing Miyata et al. as inventors (“Miyata”). To the extent that they might be applied against the amended claims, Applicants respectfully traverse each of these rejections. Applicants respectfully submit that the arguments presented below with respect to independent claim 27 are generally applicable to claims 29, 30, 32-42, 44-46, 48-50, 52-54 and 62-64, as independent claims 42, 46, and 50 generally require the same disputed limitations of claim 27, and claims 29, 30, 32-41, 44, 45, 48, 49, 52-54 and 62-64 depend from respective independent claims. Amended claim 27 recites:

A method comprising:

in response to a request to perform an operation on a volume, wherein the volume comprises a plurality of locations:

performing the operation upon a given location of the plurality of locations in the volume only if the given location is identified in at least one location description of a sieve associated with the operation,

wherein the sieve comprises the at least one location description and a property,

wherein the property comprises information identifying the operation, and

wherein the at least one location description identifies the set of all locations within the volume upon which the operation can be performed.

Support for these amendments is found, at least, at Applicants’ Specification, ¶ 48. Applicants respectfully submit that the cited passages of Miyata fail to disclose each element of independent claim 27. Specifically, the cited passages of Miyata fail to teach at least the following features recited in independent claim 27: “a request to perform an

operation on a volume.” The Office Action cites Miyata, paragraphs 87-88 as purportedly disclosing the claimed feature of performing an operation in response to a request. While it is unclear from the cited paragraphs what elements of Miyata the Office Action is attempting to equate with the claimed request to perform an operation, it is clear that the cited paragraphs deal with selecting files (and the blocks therein) and not volume level operations. The cited passages fail to disclose any operations requested to be performed on a volume. Instead, the cited passages disclose selecting a file or directory file, and setting attribute bits that correspond to the selected file. This is not comparable to claim 27, which discloses receiving a request for a volume level operation, and in response to that request, performing the operation on certain locations in the volume. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. § 103(a)

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyata as applied to claim 27 and further in view of U.S. Patent No. 6,823,436 issued to Krishnamurthy (“Krishnamurthy”). Applicants respectfully traverse this rejection. Applicants respectfully submit that the proposed combination of Miyata and Krishnamurthy fails to disclose each feature recited in claim 31. For example, Applicants respectfully submit that the proposed combination fails to disclose “obtaining a set of entities. The Office Action cites the following passage of Krishnamurthy as purportedly supplying this disclosure:

The only portions of the data that have been copied over are:
Offset 0, Extent 600,
Offset 728, Extent 472,
Offset 3048, Extent 200.

Krishnamurthy 4:43-49. The cited passage merely discloses an extent list, and fails to disclose anything remotely comparable to the claimed “obtaining a set of entities.” The cited portions of Miyata also fail to supply such disclosure. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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